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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OCT 20 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of

Application of BellSouth Corporation,)
BellSouth Telecommunications, Inc., and)
BellSouth Long Distance, Inc., for Provision)
of In-Region, InterLATA Service in the)
State of South Carolina)
_____)

CC Docket
No. 97-208

**COMMENTS OF AT&T CORP.
IN OPPOSITION TO BELL SOUTH'S
SECTION 271 APPLICATION**

APPENDIX - VOLUME II

**APPENDIX TO COMMENTS OF AT&T CORP.
IN OPPOSITION TO BELL SOUTH'S
SECTION 271 APPLICATION**

TAB	AFFIDAVIT	SUBJECT(S) COVERED
A	William J. Baumol	Public Interest
B	Robert H. Bork	Public Interest
C	Jay M. Bradbury	Operations Support Systems
D	James Carroll	AT&T Market Entry
E	Ray Crafton	Unbundled Network Elements: Combinations
F	R. Glenn Hubbard and William H. Lehr	Public Interest
G	Patricia A. McFarland	Resale Pricing and Restrictions
H	Patricia A. McFarland	Section 272 compliance
I	Kenneth P. McNeely	SCPSC Proceedings
J	C. Michael Pfau	Operations Support Systems: Performance Measurements
K	James A. Tamplin, Jr.	Unbundled Network Elements
L	Don J. Wood	Unbundled Network Elements: Pricing

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AFFIDAVIT OF

JAY M. BRADBURY

ON BEHALF OF

AT&T CORP.

AT&T EXHIBIT C

PUBLIC VERSION

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BellSouth Long Distance, Inc., for Provision of)	No. 97-208
In-Region, InterLATA Service in the)	
State of South Carolina)	
)	

AFFIDAVIT OF JAY M. BRADBURY
ON BEHALF OF AT&T CORP.

Jay M. Bradbury, being first duly sworn on oath, deposes and states as follows:

1. My name is Jay M. Bradbury. My business address is 1200 Peachtree Street, Atlanta, Georgia. Currently I am employed by AT&T Corp. ("AT&T") as a Manager in the Local Infrastructure and Access Management Organization.

2. I graduated with a Bachelor of Arts degree from the Citadel in 1966. I have taken additional undergraduate and graduate courses at the University of South Carolina and North Carolina State University in Business and Economics.

3. I have been employed in the telecommunications industry for more than twenty-five years with AT&T, including 14 years with AT&T's then-subsiary, Southern Bell. I began my AT&T career in 1970 as a Chief Operator with Southern Bell's Operator Services Department in Raleigh, North Carolina. From 1972 through 1987, I held various positions within

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Southern Bell's (1972 - 1984) and AT&T's (1984 - 1987) Operator Services Departments, where I was responsible for the planning, engineering, implementation and administration of personnel, processes and network equipment used to provide local and toll operator services and directory assistance services in North Carolina, South Carolina, Kentucky, Tennessee and Mississippi. In 1987, I transferred to AT&T's External Affairs Department in Atlanta, Georgia, where I was responsible for managing AT&T's needs for access network interfaces with South Central Bell, including the resolution of operational performance, financial and policy issues.

4. From 1989 through November 1992, I was responsible for AT&T's relationships and contract negotiation with independent telephone companies within the South Central Bell States and Florida. From November 1992 through April 1993, I was a Regulatory Affairs Manager in the Law and Government Affairs Division responsible for the analysis of industry proposals before regulatory bodies in the South Central states to determine their impact on AT&T's ability to meet its customers' needs with services that are competitively priced and profitable. In April of 1993, I transferred to the Access Management Organization within AT&T's Network Services Division as a Manager - Access Provisioning and Maintenance, with responsibilities for on-going management of processes and structures in place with Southwestern Bell to assure that its access provisioning and maintenance performance met the needs of AT&T's Strategic Business Units.

5. In August 1995, I moved to my present position. In my capacity as a Manager in the Local Infrastructure and Access Management Organization, I am responsible for negotiating and implementing operational agreements with incumbent local exchange carriers

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needed to support AT&T's entry into the local telecommunications market. One of my most important objectives in these negotiations has been to ensure that BellSouth provides AT&T with efficient and nondiscriminatory electronic access to BellSouth's Operations Support Systems ("OSS") throughout BellSouth's nine-state region. As part of my overall responsibilities, I have personally spent hundreds of hours in direct negotiations and implementation meetings with BellSouth personnel and subject matter experts. My activities have included direct participation in OSS implementation teams, review and analysis of data from the testing and use of BellSouth's interfaces as they are implemented, and continuing consultation with AT&T decisionmakers concerning OSS. In addition, I have testified on behalf of AT&T in a number of recent state public utility commission proceedings regarding OSS issues, including Section 271 proceedings in seven states in the BellSouth region.

I. PURPOSE AND SUMMARY OF AFFIDAVIT

6. The purpose of my affidavit is to assess whether BellSouth has made available to AT&T the nondiscriminatory access to its OSS required by the Telecommunications Act of 1996 ("the 1996 Act"). As I will describe below, contrary to the assertions of BellSouth, and in particular the affidavits of BellSouth's witnesses William Stacy and David Hollett,¹ BellSouth has not met its OSS obligations.

7. The duty to provide "nondiscriminatory access" means that the access

¹ See Affidavit of William N. Stacy dealing with Operating Support Systems on behalf of BellSouth ("Stacy OSS Aff."), ¶ 145; Affidavit of William N. Stacy dealing with Performance Measures on behalf of BellSouth ("Stacy PM Aff."), ¶ 87; Affidavit of David Hollett ("Hollett Aff."), ¶¶ 4, 15.

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provided to CLECs must be "the same" as,² or "equal to,"³ the access that BellSouth provides to its own customer service representatives. In its recent Ameritech Michigan Order, the Commission reiterated: "We require, simply, that the BOC provide the same access to competing carriers that it provides to itself."⁴ The Commission characterized this requirement as a

² See First Report and Order, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98 (released August 8, 1996) ("Local Competition Order"), ¶ 523 ("the incumbent must provide the same access to competing providers" that it provides to its own customer service representatives); ¶ 316 ("the incumbent must provide access to [OSS] functions under the same terms and conditions that they provide services to themselves or their customers") (emphasis added).

³ See id., ¶ 519 ("we generally rely upon" state commission orders "ordering incumbent LECs to provide interfaces for [OSS] access equal to that the incumbent provides itself"); ¶ 315 (access must be provided on terms that are "equal to the terms and conditions under which the incumbent LEC provisions such elements to itself"); Second Order on Reconsideration in CC Docket No. 96-98, released December 13, 1996, ¶ 9 (OSS access must be "at least equivalent" or "equal to" the access that the incumbent LEC provides to itself) (emphasis added).

⁴ CC Docket No. 97-137, In the Matter of Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services In Michigan, Memorandum Opinion and Order released August 19, 1997 ("Ameritech Michigan Order"), ¶ 143. See also id., ¶ 128 (Ameritech has not shown "that the access to OSS functions that it provides to competing carriers for the ordering and provisioning of resale services is equivalent to the access it provides to itself"), ¶ 130 (incumbent carrier must provide access to OSS functions "that is equivalent to what it provides itself, its customers or other carriers"), ¶ 132 (without "equivalent access" to BOC's OSS, many items required by the checklist "would not be practically available"), ¶ 137 (for functions that BOC itself accesses electronically, "the BOC must provide equivalent electronic access for competing carriers"), ¶ 158 ("We are unable to find that the access Ameritech currently provides for resale services is equivalent to the access that it provides to itself in connection with its retail local exchange operations"), ¶ 166 ("Because the ordering and provisioning of resale services is analogous to the ordering and provisioning of Ameritech's retail services, we find that Ameritech must provide to competing carriers access to such OSS functions equal to the access that it provides to its retail operations," and that Ameritech's performance data "fail to demonstrate that Ameritech is providing such equivalent access") (emphasis added).

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"fundamental obligation" of a BOC. Ameritech Michigan Order, ¶ 128. In addition, consistent with the 1996 Act's goal of promoting local exchange competition, incumbent LECs must provide OSS access "under terms and conditions that would provide an efficient competitor with a meaningful opportunity to compete."⁵

8. Measured against these standards, BellSouth falls far short of making nondiscriminatory access to its OSS available to competitive local exchange carriers ("CLECs"). The interfaces currently offered by BellSouth -- whether the interfaces that BellSouth offers pursuant to its Statement of Generally Available Terms and Conditions ("SGAT") or the "interim" interfaces that BellSouth is required to provide under the BellSouth-AT&T Interconnection Agreement ("the Interconnection Agreement")⁶ -- are a hodgepodge that deny CLECs the same functionality, capability, reliability, timeliness, and accuracy that BellSouth experiences in its own retail operations. In light of current circumstances, it will be months, or perhaps longer, before BellSouth can have interfaces in place that are capable of offering the parity of access required by

⁵ Ameritech Michigan Order, ¶¶ 130, 141; Local Competition Order, ¶ 315.

⁶ A copy of the SGAT is set forth in Appendix B, Volume 1 of BellSouth's application, and a copy of the Interconnection Agreement between AT&T and BellSouth for South Carolina is set forth in Appendix B, Volume 8 of that application. As will be discussed below, the Interconnection Agreement provides that BellSouth must currently provide AT&T with a series of specified "interim" interfaces to support pre-ordering, ordering and provisioning, and maintenance and repair, which AT&T may use if it desires. Interconnection Agreement, Att. 15, §§ 4.1 - 4.5. The Agreement provides that these interfaces are to be replaced by electronic interfaces (which I will refer to in this affidavit as "permanent" interfaces) to be developed by the parties. The parties are obligated to use their best efforts to implement the permanent interfaces by December 31, 1997, unless they agree on a later date. Interconnection Agreement, § 28.1 & Att. 15, §§ 4.6, 5.1 - 7.2.3.

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the 1996 Act.

9. First, as set forth in Part II concerning the resale of BellSouth's services, BellSouth has not deployed electronic interfaces that are capable of providing nondiscriminatory access to its OSS for purposes of pre-ordering, ordering and provisioning, and repair and maintenance. In particular:

- For pre-ordering, BellSouth offers only a proprietary Web-based system called "LENS," which imposes upon CLECs the costs of dual-entry of pre-ordering data, and which has a much more limited range of function than what BellSouth provides itself;
- For ordering, BellSouth offers "Phase I EDI," a limited version of an Electronic Data Interchange ("EDI") interface that cannot be used to order many important services and requires manual transmission and processing of many notices and orders that should be handled electronically; and
- For maintenance and repair, BellSouth currently offers only a version of an electronic bonding interface ("EBI") that cannot be used for most services, and a proprietary system ("TAFI") that cannot be integrated into a CLEC's own system to permit machine-to-machine communication.

In addition, BellSouth has failed to provide CLECs with the training and information (such as specifications and business rules) that they need to get the most performance out of the inherently limited interfaces that BellSouth currently offers.

10. Second, as set forth in Part III of my affidavit, BellSouth has not even attempted to comply with its obligation to provide nondiscriminatory access to its OSS for service provided using unbundled network elements ("UNEs"). As BellSouth acknowledges, orders for many individual UNEs cannot flow electronically through the BellSouth systems, but must be submitted and processed manually. In addition, BellSouth refuses even to develop, much less

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offer, electronic interfaces that would enable AT&T and other CLECs to provide local service by means of combinations of unbundled network elements.

11. Third, as discussed in Part IV, actual usage of the BellSouth interfaces by AT&T and other CLECs to date demonstrates that the interfaces are not operationally ready. For example, by BellSouth's own admission, more than two-thirds of the orders placed electronically through its interfaces fall out for manual processing. Nearly 40 percent of Firm Order Confirmations ("FOCs") are not returned within 24 hours, which in many instances leaves CLECs unable for a prolonged period to advise customers of the date on which the service that they requested will be installed, due to the inability of CLECs using the EDI interface to obtain calculated due dates from BellSouth's pre-ordering interface.

12. Finally, as set forth in Part V, notwithstanding its generalized, unsupported assertions, BellSouth has offered no evidence that its interfaces are capable of handling the volume and complexity of functions required by CLECs, particularly by major competitors such as AT&T. To the contrary, the evidence shows that when AT&T has modestly increased its existing order volumes, such vital BellSouth systems as BellSouth's Regional Street Access Guide ("RSAG") have proven unable to handle the strain. Moreover, even accepting at face value BellSouth's unsubstantiated capacity assertions (such as a current combined interface ordering capacity of "at least" 5,000 orders per day for the entire nine-state BellSouth region), these are grossly inadequate to meet projected CLEC demand in a timely, nondiscriminatory manner.

13. That BellSouth remains so far away from complying with the Act's requirements reflects BellSouth's policy of delay. Since AT&T first requested electronic access

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to BellSouth's OSS more than two years ago, BellSouth has delayed implementation of nondiscriminatory electronic interfaces, has unilaterally developed interfaces that by their nature cannot support meaningful competition, and has consistently failed to provide AT&T necessary specifications on a timely basis so that AT&T could develop its side of any planned interface.⁷ As a result, BellSouth's interfaces are currently incapable of providing new entrants the same capabilities and functions that BellSouth provides to itself, and are not operationally ready to support local service market entry at reasonable volume levels such as those planned by AT&T. The failure of BellSouth to comply with its obligations has forced AT&T to enter the market using patched-together combinations of manual, web-based, and EDI interfaces that do not and cannot support the range of nondiscriminatory functions essential for AT&T and other CLECs to provide high-volume, meaningful local exchange competition.

14. Nothing in BellSouth's application undercuts these facts. Although I will respond to particular assertions of BellSouth's witnesses throughout my affidavit, it is worth noting at the outset that their views appear to be founded on two fundamentally mistaken assumptions. First, they argue that BellSouth offers many different interfaces, some of which exceed industry standards.⁸ Whatever the merits of this claim, the criteria governing BellSouth's performance here are not industry standards, but those of reasonable and nondiscriminatory access required by the 1996 Act. At best, industry standards establish the minimum requirements

⁷ Attachment 1 to my affidavit describes the history of AT&T's attempts to secure nondiscriminatory access to BellSouth's OSS.

⁸ Stacy OSS Aff., ¶¶ 50, 53, 55, 75, 82, 93; see also Hollett Aff., ¶ 5.

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for certain matters in the provision of access to OSS. They fail to address numerous other such matters, and give the BOCs broad discretion -- as Mr. Stacy himself acknowledges.⁹ They do not entitle a BOC to restrict access to information, discriminate, or otherwise limit its statutory obligations. Moreover, parity of access does not exist simply by virtue of the fact that each new entrant has some degree of access to BellSouth's OSS; the issue is whether that access is equal, in terms of timeliness, accuracy, reliability, and functionality, to the access that BellSouth provides to itself.

15. Second, BellSouth suggests that existing deficiencies in BellSouth's OSS can be overlooked so long as BellSouth promises to correct them in the future.¹⁰ But the only relevant question here is whether BellSouth meets its OSS obligations as of the date it filed its application. Paper promises of future performance to correct OSS deficiencies are insufficient, Ameritech Michigan Order, ¶¶ 55, 179, and particularly so in light of BellSouth's own prior conduct concerning OSS development.

16. Only last week, the deficiencies in BellSouth's OSS were cited by the Alabama Public Service Commission as a major reason for its refusal to approve BellSouth's

⁹ See, e.g., Stacy OSS Aff., ¶¶ 75 (EDI standards do not provide for method of returning information to CLECs for orders that contain errors), 93 ("the industry standard for trouble reporting addresses only functions such as electronically opening a trouble ticket or obtaining status information").

¹⁰ Stacy OSS Aff., ¶¶ 47, 58-59, 71, 75, 80, 115; Hollett Aff., ¶¶ 9, 11-12.

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SGAT, or to find that BellSouth is in compliance with the competitive checklist of Section 271.¹¹

After analyzing essentially the same facts and claims that BellSouth has presented here regarding its OSS, the Alabama PSC found:

It appears to us that BellSouth's OSS interfaces must be further revised to provide nondiscriminatory access to BellSouth's OSS systems as required by § 251(c)(3) of the '96 Act. We have concerns that such nondiscriminatory access is not being provided.¹²

As I discuss below, the Alabama PSC's concerns are well-founded. BellSouth is far short of providing the parity of access to its OSS that is required by the 1996 Act.

II. BELLSOUTH'S INTERFACES FOR RESALE SERVICES DO NOT SATISFY ITS OSS OBLIGATIONS.

17. In order to satisfy its OSS obligations, BellSouth must (1) develop systems to allow CLECs to have parity of access, and (2) assist CLECs in the implementation and use of those systems. Ameritech Michigan Order, ¶ 136. BellSouth has taken neither of these actions in the case of resale services. BellSouth's interfaces supporting resale contain numerous inherent flaws that deny parity of access. Moreover, by denying the necessary business rules and training

¹¹ See Docket No. 25835, BellSouth Telecommunications, Inc.--In re: Petition for approval of a Statement of Generally Available Terms and Conditions Pursuant to § 252(f) of the Telecommunications Act of 1996 and notification of intention to file a Petition for In-region InterLATA Authority with the FCC pursuant to § 271 of the Telecommunications Act of 1996 (Ala. PSC), Order issued October 16, 1997, pp. 6-9 ("Alabama PSC Order"), which is attached hereto as Attachment 54.

¹² Id., p. 7. To rectify these "OSS shortcomings," the Alabama PSC ordered the institution of a further OSS proceeding where BellSouth will be required to give a live demonstration of its OSS (including any manual interfaces) and where the PSC will "establish performance standards . . . so that BellSouth's provisioning of service to its competitors can be meaningfully compared to BellSouth's internal performance." Id., pp. 7-9.

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to CLECs, BellSouth has failed to provide the assistance necessary for CLECs to use the OSS effectively.

A. BellSouth Has Not Offered Parity of Access To Operations Support Systems For Resale Services.

18. Although BellSouth contends that it offers nondiscriminatory access to its OSS to resellers through a variety of interfaces, the evidence does not support that claim. BellSouth's support for its claim lies in its SGAT and in the testimony of Messrs. Stacy and Hollett.¹³ Neither source, however, is sufficient to support BellSouth's claim.

19. In its SGAT, BellSouth effectively concedes that electronic interfaces are not currently available:

BellSouth provides CLECs unbundled access to several operations support systems. Access to these support systems will be via electronic interfaces. Where not currently operational, BellSouth is developing operational electronic interfaces to these systems.

SGAT, p. 6 (emphasis added). As this Commission has previously held, nondiscriminatory access cannot be established merely on the basis of a paper promise that there "will be" electronic interfaces at some undefined point in the future.¹⁴ To the extent that electronic interfaces are not

¹³ BellSouth has now abandoned reliance on Gloria Calhoun, who regularly testified for BellSouth on OSS issues in state proceedings throughout BellSouth's region, but who candidly conceded on September 25-26, 1997, that she had no documented basis for her claim that BellSouth provides nondiscriminatory access, and was simply relying on her personal "perception" and "experience." See Attachment 2, Testimony of Gloria Calhoun in Docket No. P-55, Sub 1022 (North Carolina Utilities Commission), transcript of September 25, 1997, hearing (afternoon session), Vol. 7, pp. 89-96 and transcript of September 26, 1997, hearing, Vol. 8, pp. 47-51.

¹⁴ As the Commission stated in its Ameritech Michigan Order, "[A] BOC's promises of future performance to address particular concerns raised by commenters have no probative value in

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currently operational, manual processing will be required. In such circumstances, BellSouth cannot maintain any pretense of parity, for BellSouth uses automated systems in conducting its own retail operations.

20. Moreover, aside from its general assertions of parity¹⁵ and a highly generalized description of the functions that its OSS will support, the SGAT makes no commitments concerning the nature of electronic access to BellSouth's OSS that BellSouth is offering to provide. See SGAT, pp. 6-7. The SGAT does not even identify the particular interfaces that BellSouth is purportedly offering. Instead, the SGAT repeatedly refers to BellSouth's ordering guides,¹⁶ which focus on instructing new entrants on how to complete paper forms and send them to BellSouth manually -- not on electronic interfaces. These ordering guides, moreover, are not part of the SGAT and can be (and have been) changed unilaterally by BellSouth at any time. Thus, BellSouth does not appear to have assumed, through its SGAT, a binding legal obligation to provide particular interfaces.

21. The testimony of Messrs. Stacy and Hollett is similarly inadequate to establish that BellSouth offers (much less provides) parity of access. As discussed below, the

demonstrating its present compliance with the requirements of section 271. Paper promises do not, and cannot, satisfy a BOC's burden of proof." Ameritech Michigan Order, ¶ 55 (emphasis in original). See also id., ¶ 179.

¹⁵ See, e.g., SGAT, p. 8 ("BellSouth provides unbundled network element ordering and provisioning services to CLECs that are equal to the ordering and provisioning services of BellSouth where technically feasible").

¹⁶ See SGAT, pp. 5, 8, 10-12, 19, 23.

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interim interfaces that BellSouth currently offers for pre-ordering, ordering and provisioning, and maintenance and repair require unacceptable degrees of human intervention and lack important capabilities and functionality, thereby denying resellers access to BellSouth's OSS that is equal to the access enjoyed by BellSouth itself.

1. Pre-Ordering

22. When an existing BellSouth customer speaks to an AT&T customer service representative about changing his or her local service to AT&T, the AT&T customer representative must be able -- while the customer is on the line -- to ascertain the customer's existing service arrangements, verify the customer service address, determine the services and features available to the customer at the service address, assign a telephone number (for any new lines desired), establish a due date for service installation, request dispatch of a technician when necessary, and determine the long-distance carrier choices available to the customer. Because customers expect their transactions to be completed quickly and efficiently, parity of access requires that this information be available through a pre-ordering interface promptly and in an intelligible format to AT&T's customer representatives and ordering systems, just as it is currently available to BellSouth's.

23. Mr. Stacy's contention that pre-ordering information is unnecessary for customers who are simply migrating from one carrier to another is incorrect. See Stacy OSS Aff., ¶ 6. Although the number of pre-ordering transactions may vary according to the particular type of service requested, a CLEC representative taking a customer order must (at a minimum) review the customer service record ("CSR") and verify the customer's address as it is currently recorded

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in the BellSouth system, even for a simple migration. Indeed, if an address validation is not performed, the order may well be rejected -- and the CLEC may well lose the customer.¹⁷ Pre-ordering information is thus important not only to completion of all customer orders for exchange service, but also to a CLEC's ability to compete.¹⁸

24. BellSouth's entire discussion of pre-ordering in its SGAT is confined to a one-sentence representation that its OSS "allow[] CLECs to determine the availability of features and services, assign a telephone number, advise the customer of a due date and validate a street address for service order purposes, as applicable to the service being ordered." SGAT, p. 6. Despite the absence of further details in the SGAT, Mr. Stacy states that CLECs currently can use BellSouth's web-based Local Exchange Navigation System ("LENS") interface to perform pre-ordering functions. Stacy OSS Aff., ¶ 6. As shown below, however, LENS does not offer parity of access. Although, as Mr. Stacy notes, BellSouth is developing a pre-ordering interface pursuant to its Interconnection Agreement with AT&T, that interface will not be available until at least December 1997 -- and its ability to provide parity of access is questionable and, obviously, unproven.

¹⁷ For example, if a CLEC's customer wishes to change its service (such as adding a feature), the change order will be rejected if the order refers to the customer's street as "avenue," rather than "av" (BellSouth's abbreviation).

¹⁸ Mr. Stacy suggests that the absence of industry standards for pre-ordering makes BellSouth's provision of pre-ordering information voluntary. See Stacy OSS Aff., ¶ 6. BellSouth, however, is required to provide such information, both by the 1996 Act and by the Interconnection Agreement. Local Competition Order, ¶ 523; Interconnection Agreement, Att. 15, §§ 4.3 - 4.5, 7.1.